

# **Interlocal Agreement for the Franklin County Rural SAFETEA-LU Program**

THIS AGREEMENT is made and entered into by and between the member agencies of the State of Washington, as defined below, to establish the Franklin County Rural SAFETEA-LU Program, pursuant of the Interlocal Cooperation Act of 1967, Chapter 39.34 R.C.W. and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, as amended.

## **Definitions**

For the purpose of this interlocal agreement and all other agreements, contracts and documents executed, adopted or approved pursuant to this agreement, the following terms shall have meaning prescribed to them with this section unless the context of their use dictates otherwise:

- (1) Member agency shall mean any local government which is signatory or becomes signatory to this inter-local agreement and is a County, City, Town or Port within the region;
- (2) State shall mean the State of Washington;
- (3) Region shall mean the rural area of Franklin County as designated by the Federal Highway Administration (FHWA);
- (4) STP funds shall mean the federal funds allocated by the state to the RTPO for the Rural Franklin County SAFETEA-LU Surface Transportation Program (STP);
- (5) RTPO shall mean the Benton-Franklin Council of Governments (BFCOG);
- (6) Fuel tax shall mean state fuel taxes;

## Recital

WHEREAS, the member agencies recognize the need and desirability to participate in cooperative decision making by elected officials of said agencies in order to comply with the requirements of the SAFETEA-LU of 2005, as amended, concerning the utilization of federally provided transportation revenues; and

WHEREAS, the member agencies are eligible to compete for STP funds provided to the region through the State and RTPPO in accordance with SAFETEA-LU; and

WHEREAS, the member agencies currently have interlocal agreements to equitably distribute SAFETEA-LU in rural Franklin County; and

WHEREAS, Franklin County is willing to fund a SAFETEA-LU Schedule through the voluntary association of local governments within the region as a method to comply with the provisions of SAFETEA-LU; and

WHEREAS, Franklin County is willing to fund the Fuel Tax Redistribution Schedule through the voluntary association of local governments within the region as a method to comply with the provisions of SAFETEA-LU; and

WHEREAS, all parties have already signed a January 2005 BFCG/Rural Franklin County STP Process Memorandum Of Understanding for Rural Franklin County STP Funds; and

WHEREAS, it is the belief of the member agencies that STP transportation revenue policy receive direction from all local governments; and

WHEREAS, the member agencies are authorized and empowered to enter into this agreement pursuant to Chapter 39.34 R.C.W.;

THEREFORE, in consideration of mutual promises and covenants contained herein it is hereby agreed:

1. Fuel Tax Redistribution Schedules: the Fuel Tax Redistribution Schedule shall be in accordance with the January 2005 BFCG/Rural Franklin County STP Process Memorandum Of Understanding (MOU). Franklin County shall make a single disbursement to each city, town, and Port as calculated based upon the MOU and the Rural Franklin County STP allotment for each scheduled year or portion of a year.
2. STP Project Funds: No city or town or Port shall submit any project application to the State for consideration or authorization for the STP funds

allocated to Rural Franklin County. Franklin County shall be the only agency within the region allowed to submit projects to the BFCOG and State for authorization and obligation of Rural Franklin County STP funds.

3. STP Region Administration: Franklin County shall allocate and disburse all STP funds allocated to the region during the term of this agreement.

4. Fuel Taxes: All fuel taxes received by any city, town, or Port from Franklin County may be used as ordinary state fuel taxes and are not subject to federal expenditure rules or regulations. Ordinary state fuel taxes must be used for street, highway, or road purposes only.

5. Term of this Agreement: This agreement shall include the remaining term of SAFETEA-LU period to September 30, 2009. No member city, town, or Port shall have the right to withdraw from this agreement. Franklin County, upon 180 day written notification to all members, may withdraw from this agreement if Franklin County is unable to fund the redistribution amount because of a loss of revenue for county road purposes equal to or exceeding the funding obligation.

6. Effective Date: This agreement shall have full force and effect from and after the date Franklin County and each and every city, town, and Port within the region become signatories.

7. Listing of Member Agencies: Franklin County and the following cities, towns, and Ports lying wholly within Franklin County rural area are member agencies: Connell, Kahlotus, Mesa, and the Port of Pasco.

DONE this 7 day of June, 2007

Port of Pasco

Agency: OE/Boston

✓ By: OE Boston

Title: President